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IN THE UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

NIGEL ERIC WILLIAMS, Plaintiff, v. BRUCE EDWIN AHO, d/b/a THEHOLLYWOODSENTINEL.COM Defendant.	CASE NO.: 2:16-cv-02088 **COMPLAINT FOR COPYRIGHT INFRINGEMENT** **DEMAND FOR JURY TRIAL**

Plaintiff, Nigel Eric Williams ("Plaintiff"), by his undersigned attorneys, Duane Morris LLP, for his Complaint alleges as follows:

SUBSTANCE OF THE ACTION

1. This is a case of willful copyright infringement in violation of 17 U.S.C. §§ 106(1), 501, and 1202. Plaintiff seeks compensatory and statutory damages in an amount to be established at trial and injunctive relief.

PARTIES

2. Plaintiff Nigel Eric Williams is an international photographer, doing business under the name "Willy Camden", with a business address of 30733 Rue Valois, Rancho Palos Verdes, CA 90275.

3. Upon information and belief, defendant Bruce Edwin Aho is an individual doing business as "The Hollywood Sentinel" ("Defendant") who resides and/or has a principal place of business at 2222 South Figueroa Street, PH 30, Los Angeles, CA 90007.

JURISDICTION AND VENUE

4. This is a civil action seeking damages and injunctive relief for copyright infringement under the copyright laws of the United States, and therefore this Court has jurisdiction under 17 U.S.C. § 101 *et seq.*; 28 U.S.C. § 1331 (federal question jurisdiction), and 28 U.S.C. § 1338(a) (jurisdiction over copyright actions).

5. Personal jurisdiction over Defendant is proper. Defendant is conducting business in this District and committing torts in this State, including without limitation the copyright infringement underlying Plaintiff's claims, which has caused and continues to cause harm in this State and District.

6. Pursuant to 28 U.S.C. § 1391, venue properly lies in this Court because a substantial part of the events giving rise to the claims herein occurred in this Judicial District.

FACTS COMMON TO ALL CLAIMS FOR RELIEF

A. Plaintiff's Business

7. Plaintiff is a professional photographer, residing in California, with an international reputation and client base.

8. The Plaintiff is noted for his iconic portraits of celebrities and athletes, and his stylistic and artistic images for advertising campaigns and related commercial uses. Among the many stylized and valuable photographs of celebrities taken by the Plaintiff, Plaintiff is the original author of a photographic image of the American socialite, television personality, and model Paris Hilton (the "Copyrighted Work"). Attached hereto as **Exhibit A** is a copy of the original photographic image that is the Copyrighted Work.

9. Plaintiff has obtained the following registration with the United States Copyright Office for the Copyright Work (along with other photographic images), identified as "Willy Camden, GRPPH, 12 Published Photos of Paris Hilton in Maxim UK 2003": VA 1-823-029. Attached hereto as **Exhibit B** is a copy of the registration with the United States Copyright Office of the Copyrighted Work.

10. Plaintiff is the exclusive owner of all rights, title, and interest, including copyrights, in and to the Copyrighted Work.

B. Defendant's Unlawful Activities

11. Upon information and belief, Defendant owns and operates an online e-magazine located at the URL http://www.thehollywoodsentinel.com/.

12. In November of 2014, Plaintiff discovered instances in which Defendant was infringing Plaintiff's exclusive copyrights in the Copyrighted Work by reproducing, distributing, and publicly displaying, and causing to be displayed, the Copyrighted Work at websites located at the following URLs:

- http://www.thehollywoodsentinel.com/409model.html;
- http://www.thehollywoodsentinel.com/images/40/ParisTop10.jpg
- http://newsblaze.com/story/20131217012059ente.nb/topstory.html;
- http://newsblaze.com/pix/2013/1214/pix/paris.430.jpg

and

- http://newsblaze.com/wp-content/uploads/2013/12/paris.jpg

13. Defendant's reproduction, distribution, and public display of the Copyrighted Work is without Plaintiff's permission. Defendant's unauthorized reproduction, distribution, and public display of the Copyrighted Work shall be referred to hereinafter as the "Infringing Work".

14. Defendant falsely applied, or caused to be applied, its own watermark "The Hollywood Sentinel" and a second false watermark "Paris Hilton, Copyright 2013 Paris Hilton Entertainment" to the Copyrighted Work prior to reproducing, distributing and publicly displaying his Infringing Work. Copies of screenshots

demonstrating Defendant's unauthorized use of the Copyrighted Work and demonstrating the application of false copyright management information to the Infringing Work are attached hereto as **Exhibit C**.

15. Upon information and belief, Defendant knowingly altered and/or falsified copyright management information to conceal Defendant's infringement of Plaintiff's Copyrighted Work.

16. In addition, Defendant has taken additional actions to shield his identity and avoid being held accountable for his infringing conduct by using a service called "Domains By Proxy, LLC" to register his The Hollywood Sentinel site anonymously.

FIRST CLAIM FOR RELIEF

DIRECT COPYRIGHT INFRINGEMENT

(17 U.S.C. § 101 *et seq.*)

17. Plaintiff realleges paragraphs 1 through 16 above and incorporates them by reference as if fully set forth herein.

18. The Copyrighted Work is an original work of authorship, embodying copyrightable subject matter, subject to the full protection of the United States copyright laws. Plaintiff exclusively owns all rights, title and interest in and to the copyrights in the Copyrighted Work.

19. Upon information and belief, as a result of Plaintiff's reproduction, distribution and public display of the Copyrighted Work, Defendant had access to the Copyrighted Work prior to the creation of the Infringing Works.

20. By its actions, as alleged above, Defendant has infringed and violated Plaintiff's exclusive rights in violation of the Copyright Act, 17 U.S.C. §501 *et seq.*, by reproducing, distributing and publicly displaying the Infringing Works.

21. As evidenced by the steps Defendant has taken to shield his identity, Defendant's infringement of Plaintiff's copyrights is willful and deliberate and Defendant has profited at the expense of the Plaintiff.

22. As a direct and proximate result of Defendant's infringement of Plaintiff's copyrights and exclusive rights in the Copyrighted Work, Plaintiff is entitled to maximum statutory damages, pursuant to 17 U.S.C. § 504(c), in the amount of $150,000, or such other amount as may be found appropriate under 17 U.S.C. § 504(c). Alternatively, and at Plaintiff's election, pursuant to 17 U.S.C. § 504(b), Plaintiff shall be entitled to recover damages based on Plaintiff's lost profits and the disgorgement of Defendant's profits in connection with his infringements of Plaintiff's exclusive rights in the Copyrighted Work, which amounts will be proven at trial.

23. Plaintiff is entitled to his costs, including reasonable attorneys' fees, pursuant to 17 U.S.C. § 505.

24. Defendant's conduct has caused and any continued infringing conduct will continue to cause irreparable injury to Plaintiff, unless enjoined by this Court. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiff is entitled to a permanent injunction prohibiting infringement of Plaintiff's exclusive rights in the Copyrighted Work.

SECOND CLAIM FOR RELIEF

VIOLATION OF THE DIGITAL MILLENNIUM COPYRIGHT ACT

(17 U.S.C. § 1202)

25. Plaintiff realleges paragraphs 1 through 24 above and incorporates them by reference as if fully set forth herein.

26. Defendant has, on information and belief, intentionally provided, distributed and displayed false copyright management information on the Infringing Work included on Plaintiff's display and publication of the Registered and Unregistered Copyright Works.

27. Upon information and belief, Defendant provided, distributed and displayed false copyright management information knowing, intending, or having

reasonable grounds to know that such actions would conceal its infringement of Plaintiff's copyright.

28. Upon information and belief, Defendant provided and distributed false copyright management information on the Infringing Work in order to facilitate or conceal the infringement of Plaintiff's Copyrighted Works.

29. Defendant's acts in violation of the Digital Millennium Copyright Act were and are willful.

30. By reason of Defendant's violations of the Digital Millennium Copyright Act, Plaintiff has sustained and will continue to sustain substantial injuries.

31. Further irreparable harm is imminent as a result of Defendant's conduct, and Plaintiff is without an adequate remedy at law. Plaintiff is therefore entitled to an injunction, in accordance with 17 U.S.C. § 1203(b), restraining Defendant, its officers, directors, agents, employees, representatives, assigns, and all persons acting in concert with Defendant from engaging in further violations of the Digital Millennium Copyright Act.

32. At its election, and in lieu of Defendant's profits derived from their violations of the Digital Millennium Copyright Act and Plaintiff's actual damages, Plaintiff is entitled to recover statutory damages in accordance with 17 U.S.C. § 1203(c)(3)(B).

33. Plaintiff is entitled to recover costs and attorneys' fees in accordance with 17 U.S.C. § 1203(b)(4) and (5).

DEMAND FOR RELIEF

WHEREFORE, Plaintiff demands judgment in his favor as follows:

1. A declaration that Defendant has infringed Plaintiff's copyrights under the Copyright Act;

2. A declaration that such infringement is willful;

3. An award of such actual damages and profits under 17 U.S.C. § 504(b) as the Court shall deem proper or, at Plaintiff's election, an award of statutory damages

as the Court shall deem proper, as provided in 17 U.S.C. §§ 504(c), including damages for willful infringement of up to $150,000;

4. A declaration that Defendant has violated the Digital Millennium Copyright Act by intentionally providing and distributing false copyright management information on the Infringing Work to conceal infringement.

5. Awarding Plaintiff all gains, profits, property and advantages obtained or derived by Defendant from its acts of copyright infringement and violations of the Digital Millennium Copyright Act or, in lieu thereof, should Plaintiff so elect, such statutory damages as the Court shall deem proper, as provided in 17 U.S.C. § 1203(c)(3)(B), including damages up to $25,000 for each violation of the Digital Millennium Copyright Act;

6. Awarding Plaintiff such exemplary and punitive damages as the Court finds appropriate to deter any future willful infringement;

7. Awarding Plaintiff his costs and disbursements incurred in this action, including his reasonable attorneys' fees, as provided in 17 U.S.C. §§ 505 and 1203(b)(5);

8. Awarding Plaintiff interest, including pre-judgment interest, on the foregoing sums;

9. Permanently enjoining Defendant, its employees, agents, officers, directors, attorneys, successors, affiliates, subsidiaries and assigns, and all those in active concert and participation with Defendant, from:

(a) directly or indirectly infringing Plaintiff's copyrights or continuing to market, offer, sell, dispose of, license, lease, transfer, publicly display, advertise, reproduce, develop or manufacture any works derived or copied from the Plaintiff's Copyrighted Works or to participate or assist in any such activity; and

(b) directly or indirectly removing or altering any copyright management information from, or providing or distributing any false copyright management information in connection with, Plaintiff's Copyrighted Works.

10. For such other and further relief as the Court may deem just and proper.

Dated: March 28, 2016

DUANE MORRIS LLP

By: *_/s/ Christopher Yeh_*
Christopher B. Yeh (SBN 262991)
Attorneys for Plaintiff Nigel Eric Williams

JURY DEMAND

Plaintiff hereby demands a trial by jury pursuant to Fed. R. Civ. P. 38.

Dated: March 28, 2016

DUANE MORRIS LLP

By: *[/s/ Christopher Yeh]*

Christopher B. Yeh (SBN 262991)
Attorneys for Plaintiff Nigel Eric Williams

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